<u>REMARKS/ARGUMENTS</u>

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-43 are pending in this application.

Applicants submit herewith a Declaration Under 37 CFR §1.131 demonstrating that the present invention was reduced to practice prior to the earliest filing date of the Chung reference (November 3, 2000). Therefore, Applicants request reconsideration of claims 1-23 which were rejected either under 35 USC §102(e) as being anticipated by Chung, or under 35 USC §103(a) as being unpatentable over Chung in combination with one or more other references.

Claims 24-43 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 6,250,548 to McClure et al. (hereafter, "McClure"). The Examiner's rejection due to McClure appears based on a misunderstanding of the present invention. At best, McClure teaches scanning absentee ballots. The McClure system is intended to randomize the order in which candidates appear on different ballots in order to *prevent* humans from knowing what votes are represented by the marks on the ballots after the human readable portion of the ballot is *separated* from the portion showing the vote marks. Using this system there is no way to audit the accuracy of the machine that tabulates the votes. Also the identity of the voter is disadvantageously retained on the voted ballot.
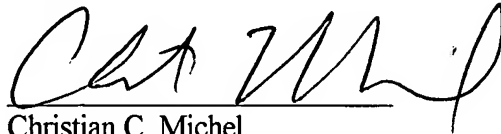
According to embodiments of the present invention, computer readable visual representations (such as an image) of the voted ballots are generated. Vote date is generated based on the visual representation. In other words, a picture of the voted ballot is generated, and based on the image, vote data is generated. Later, the physical ballot, the

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image of the ballot, and the vote data generated based on the image of the ballot can *all be audited by a human being* to make sure the *machine* did not make an error. McClure does not describe such a system. In particular, McClure does not teach *generating a computer readable visual representation of a voted paper ballot,* nor *generating vote data based on the visual representation.* Because McClure does not teach these claimed features of the invention, the rejection should be withdrawn.

Should the Examiner have further questions about how the present invention works, and differs from what is taught in McClure, Applicants would be pleased to conduct a demonstration of a working embodiment of the invention. Applicants believe such a demonstration would be helpful to illustrate how the present invention is distinguished from McClure.

In view of the above, it is believed that the application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Respectfully Submitted,

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